

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DISCOVISION ASSOCIATES,

Plaintiff,

v.

FUJI PHOTO FILM CO., LTD., a Japanese corporation; FUJIFILM U.S.A., INC., a New York corporation; FUJIFILM RECORDING MEDIA MANUFACTURING U.S.A., INC., a Delaware corporation; and FUJI MAGNETICS GMBH, a German corporation,

Defendants.

Index No.: 07-Civ.-6348 (PAC)

**SUPPLEMENTAL DECLARATION  
OF ROBERT T. BRAUN**

ROBERT T. BRAUN declares as follows:


1. I am Vice President of plaintiff Discovision Associates ("DVA"). I make this supplemental declaration in support of DVA's motion to remand this action to the Supreme Court of the State of New York for the County of New York from which Defendants removed it. The facts set forth herein are within my personal knowledge and, if called as a witness, I could testify competently thereto.

2. I represented DVA in meetings with representatives of Fuji Photo Film Co. Ltd. ("Fujifilm Japan") that resulted in the parties' License Agreement entered into as of January 1, 1995. At that time, I told Fujifilm Japan's representatives that under the License Agreement Fujifilm Japan and its Affiliates would have the right to use any or all of the Licensed Patents and would report and pay royalties on all Licensed Products whether they used the Licensed Patents or not. I also told Fujifilm Japan's representatives that if they subsequently determined that Fujifilm Japan and its Affiliates were not using any of the Licensed Patents, it could simply

cancel the License Agreement. Alternatively, I told Fujifilm Japan that it could license only certain of DVA's patents and pay a different royalty. Fujifilm Japan elected to take the broad license.

3. Subsequently, Fujifilm Japan paid DVA royalties on sales of certain Licensed Products that it acquired from third-party manufacturers, even though it would not have known whether their respective manufacturing processes used DVA's Licensed Patents.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2007.

  
Robert T. Braun

DECLARATION OF SERVICE BY FEDERAL EXPRESS

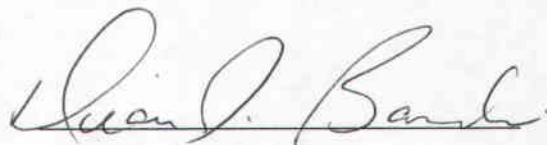
The undersigned declares:

I am, and was at all times herein mentioned, a citizen of the United States, a resident of the County of Los Angeles, over the age of 18 years and not a party to this proceeding. My business address is 350 South Grand Avenue, 36th Floor, Los Angeles, California 90071, and I am employed in the office of a member of the bar of this Court, at whose direction the service described herein was made. On October 12 2007, I served the foregoing **SUPPLEMENTAL DECLARATION OF ROBERT T. BRAUN** by sending true copies thereof via Federal Express, Priority Overnight Service, all fees prepaid by sender, addressed as follows:

Steven J. Routh  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, D.C. 20004-1109

Eric J. Lobenfeld  
Hogan & Hartson, L.L.P.  
875 Third Avenue  
New York, New York 10022

I declare under penalty of perjury that the foregoing is true and correct. Executed in Los Angeles, California, this 12th day of October 2007.

A handwritten signature in cursive script, appearing to read "Steven J. Routh", written in dark ink.